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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,336	04/02/2004	Naomi Matsumoto		3306

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EXAMINER

WONG, STEVEN B

ART UNIT PAPER NUMBER

3711

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/817,336

Applicant(s)

MATSUMOTO, NAOMI

Examiner

Steven Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polsky (5,445,380) in view of Pistorius (2,012,400) and Asao (4,429,878). Regarding claims 3, 6 and 7, Polsky discloses a puzzle construction comprising a body (100) having a plurality of score lines (110) in longitudinal and horizontal directions creating joined pieces. Further, Polsky provides cut lines (112) in the outer circumferential part of the body for permitting the body to be folded in particular orientations. However, Polsky lacks the teaching for the cut lines to be perforated.

Pistorius reveals a folded toy comprising a plurality of fold lines (8-12). Pistorius also provides lines that may be perforated, dotted cut lines or actual cut slits. It would have been obvious to one of ordinary skill in the art to replace the cut lines of Polsky with perforated lines in order to allow the user to perform the cut and facilitate cutting along the line.

However, Polsky also lacks the teaching for the body to be formed as a frame with a separation part formed at the center of the puzzle body.

Asao discloses a puzzle construction comprising a plurality of foldable cards that are arranged as a frame with a void in the center. Note the similarities between Figures 4C and 4D of Asao and Figures 3a-3f of Polsky showing the folding arrangements for the puzzles. It would have been obvious to one of ordinary skill in the art to form the puzzle body of Polsky with a void in the center in order to permit the puzzle body to be folded into other orientations.

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Regarding claim 4, Polsky discloses various sized puzzle bodies for folding to form a particular design. It would have been obvious to one of ordinary skill in the art to form the puzzle body of pOlsky as a 3x3 body in order to simplify the construction of the puzzle.

Regarding claim 5, both Polsky and Asao disclose indicia placed on their puzzle bodies. It would have been obvious to one of ordinary skill in the art to provide a different description on the center part of the puzzle body of Polsky as modified by Asao in order to indicate to the user that this piece is intended to be removed. Indicia directing the user to remove a certain piece that is not to be used in solving the puzzle is seen as a description for the user on how to play the puzzle.

### ***Response to Arguments***

3. Applicant's arguments filed have been fully considered but are deemed to be moot in view of the new grounds of rejection over the combination of Polsky in view of Pistorius and Asao.

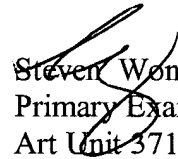
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Wednesday 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven Wong  
Primary Examiner  
Art Unit 3711

SBW  
August 1, 2005